

Date Posted: June 15, 2012

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

June 19, 2012

**Council Chambers, City Hall, 145 Taunton Avenue, East Providence,
RI 02914**

7:00 P.M. Executive Session Room 101

7:30 P.M. Open Session

I. EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a) (2)

A. Claims Committee

New Claims

1. Lucia DaLomba

2. Colleen Derrick

3. Lori Santilli

Claims for Reconsideration

4. Kathleen Rodrigues

Litigation

5. Heidi Dubuque vs City of East Providence

II. CALL TO ORDER

III. SALUTE TO THE FLAG

IV. TO APPROVE THE CONSENT CALENDAR

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

A. Letters

- 1. Coastal Resources Management Council June Calendar.**
- 2. CRMC Cease and Desist Order for Manfred and Sheila Steiner, 27 Carousel Drive (02915) alteration of a designated buffer zone and conservation area.**
- 3. Pawtucket School Committee Resolution in opposition to the passage of the Highly Distressed Intervention Act as proposed by Governor Chafee.**

B. Council Journals

- 1. Regular Council Meeting, June 5, 2012**

C. Cancellation/Abatements

Year Amount

2012 \$59,142.35

2011 \$5,633.92

2010 \$69.01

2009 \$398.64

Total \$65,243.92

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

V. PROCLAMATIONS AND PRESENTATIONS

A. Proclamation for National Park and Recreation Month by Mayor Rogers

VI. PUBLIC COMMENT

VII. LICENSES NOT REQUIRING PUBLIC HEARING

A. Hawker

Joshua Freitas DBA Tasty Dog, 680 Arcade Avenue, Seekonk, MA 02771.

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

VIII. PUBLIC HEARING

A. 2012-2013 CDBG Funding

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

IX. PUBLIC HEARING - ORDINANCES FINAL PASSAGE

1. AN ORDINANCE IN AMENDMENT OF CHAPTER 8 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “LICENSES AND BUSINESS REGULATIONS”

SECTION I. Article II entitled “Miscellaneous Business and Occupational Licenses and Permits” of Chapter 8 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Licenses and Business Regulations” is amended by adding thereto the following:

Sec. 8-40. Fireworks.

A. No person who has a license as a stationary or itinerant solicitor pursuant to Article VII and Article VIII of this chapter shall sell, carry or store fireworks outdoors or inside a temporary structure in the City of East Providence. Those certain fireworks and devices that are exempt from the definitions of display fireworks and aerial consumer fireworks and are permitted to be sold and stored in the State of Rhode Island pursuant to Chapter 11-13 of the General Laws of Rhode Island may be sold or stored by a person who has a license as a stationary or itinerant solicitor pursuant to Article VII and VIII of this chapter, but only inside a permanent structure approved by the Zoning Official and the Fire Marshal and in a manner approved by the Zoning Official and the Fire Marshal.

B. No person who has a permit for door-to-door solicitation pursuant to Article VII of this chapter shall sell fireworks in the City of East

Providence.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Assistant Mayor Rose

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

X.NEW BUSINESS

A.City Managers Report (by City Manager Peter Graczykowski)

1. Departmental Activity Update

B.Reports of Other City Officials

1. Claims Committee Report (by Solicitor Orlando Andreoni)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

2. School Committee Update (by Council Liaison School Committee Member Chrissy Rossi)

C. Council Members

1. Bi-Weekly Update (by Mayor Rogers)

2. Soccer Field/Kimberly Ann Rock Field (by Mayor Rogers)

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

3. Enforcement of No Parking/Overtime Parking Ordinances (by Mayor Rogers)

4. Labor Day Parade Update (by Assistant Mayor Rose)

5. Video Streaming of Council Meetings (by Assistant Mayor Rose)

E. Resolutions

1. A RESOLUTION REQUIRING A RESPONSE TO THE ANNUAL FISCAL YEAR END AUDIT MANAGEMENT LETTER

WHEREAS, the City of East Providence is required by state and federal regulations to commission an annual audit of its financial statements; and

WHEREAS, that as part of the annual audit process, the City's auditors issue a "Management Letter" detailing issues of internal controls and material weakness; and

WHEREAS, the East Providence City Council recognizes the importance of addressing and responding to areas of internal control deficiencies and reported material weakness.

NOW, THEREFORE, BE IT RESOLVED that the East Providence City Council hereby requires that the City of East Providence, including the School District, prepare a written response to each deficiency

noted in the management letter for the annual audit. Such response must be prepared and submitted to the City Council, School Committee, and state oversight body if applicable, within forty-five (45) days of receipt of the management letter.

BE IT FURTHER RESOLVED the that East Providence City Council hereby requests that the City Clerk forward a copy of this Resolution to the East Providence School Committee for action.

This resolution shall take effect upon its passage.

Requested By: Mayor Rogers

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

F. Introduction of Ordinances

1. An ordinance regarding no parking on a portion of Bentley Street.

AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THEREVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED“VEHICLES AND TRAFFIC”

SECTION I. Section 18-307 entitled “Parking prohibited at all times.” of Article X entitled “Stopping, Standing and Parking.” of Chapter 18 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Vehicles and Traffic.” is amended by adding thereto the following:

Bentley Street (west side) from Mauran Avenue to Fort Street

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are

hereby repealed.

Requested By: Mayor Rogers

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

2. An Ordinance regarding a One Way Street for Oakley Street.

AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “VEHICLES AND TRAFFIC”

SECTION I. Section 18-247 entitled “Designation of one-way streets” of Article VIII entitled “One-Way Streets” of Chapter 18 entitled “Vehicles and Traffic” is amended by adding thereto the following:

Oakley Street (east bound) from South Sharon Street to Broadway

SECTION II. This ordinance shall take effect upon second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested By: Mayor Rogers

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

3. An ordinance regarding no parking on a portion of Oakley Street.

AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “VEHICLES AND TRAFFIC”

SECTION I. Section 18-307 entitled “Parking prohibited at all times.” of Article X entitled “Stopping, Standing and Parking.” of Chapter 18

of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Vehicles and Traffic.” is amended by deleting therefrom the following:

Oakley Street (north side) from Broadway to Lyon Avenue

SECTION II. Section 18-307 entitled “Parking prohibited at all times.” of Article X entitled “Stopping, Standing and Parking.” of Chapter 18 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Vehicles and Traffic.” is amended by adding thereto the following:

Oakley Street (north side) from North Sharon Street to Lyon Avenue

SECTION III. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Mayor Rogers

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

4. An ordinance in amending the Economic Development Commission.

AN ORDINANCE IN AMENDMENT OF CHAPTER 2 OF THEREVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “ADMINISTRATION”.

SECTION I. Section 2-116 entitled “Established; composition” of Division 5 entitled “Economic Development Commission” of Article III entitled “Boards, Committees, Commissions” of Chapter 2 of the Revised Ordinances of the City of East Providence, Rhode Island,

1998, as amended, entitled “Administration” is amended to read as follows:

Sec. 2-116. Established; composition.

An industrial economic development commission is hereby established in and for the city to consist of nine regular members and the city manager or designee, and the director of planning or designee and a liaison from the East Providence Chamber of Commerce who shall be ex officio, voting members. Each of the nine regular members of the commission shall be a qualified elector of the city at the time of his appointment and during his incumbency. A preference in appointing members shall be given to nominees who have a strong financial background.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested By: Mayor Rogers

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

5. An ordinance regarding No Parking on a portion of Ingraham Street.

AN ORDINANCE IN AMENDMENT OF CHAPTER 18 OF THEREVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,RHODE ISLAND, 1998, AS AMENDED, ENTITLED“VEHICLES AND TRAFFIC”

SECTION I. Section 18-307 entitled “Parking prohibited at all times.” of Article X entitled “Stopping, Standing and Parking.” of Chapter 18

of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Vehicles and Traffic.” is amended by adding thereto the following:

Ingraham Street (east side) from Mauran Avenue to Juniper Street

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Mayor Rogers

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

6. An Ordinance Regarding the Equal Opportunity and Affirmative Action Policy.

AN ORDINANCE IN AMENDMENT OF CHAPTER 11 OF THE REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND, 1998, AS AMENDED, ENTITLED “PERSONNEL”

SECTION I. Article IV entitled “Affirmative Action Plan” of Chapter 11 of the Revised Ordinances of the City of East Providence, Rhode Island 1998, as amended, entitled “Personnel” is amended by adding thereto the following:

DIVISION 7. EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION POLICY

Sec. 11-212. Policy Statement.

(a) The City of East Providence hereby affirms its commitment to equal opportunity and affirmative action by fostering and actively promoting equitable employment opportunities throughout its

municipal and school departments. Moreover, the city affirms its commitment to the prevention and elimination of discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability. The affirmative action officer, under the direct administrative supervision of the personnel director, is responsible to the city manager, in accordance with the City Ordinance, Book 5, Chapter 61, entitled: An Ordinance Adopting An Affirmative Action Plan for the City of East Providence, Rhode Island, adopted April 19, 1976, and is duly empowered with full authority and responsibility to develop and ensure compliance with laws, policies and practices established to assist the city in achieving its equal opportunity and affirmative action goals.

(b) The city values the culture and background of all people, and recognizes that the goals of equal opportunity and affirmative action can only be achieved through committed leadership and administrative policies and practices that lead to a culture of inclusion. Thus, the implementation of this Equal Opportunity and Affirmative Action Policy is intended to enhance programs and introduce strategies that, once implemented, will bring about the positive, proactive changes necessary to the achievement of the city's equal opportunity and affirmative action goals.

(c) In accordance with the city's Affirmative Action Plan and the commitment affirmed through this policy, the city shall continue to promote equal opportunity and affirmative action in all areas of operation. Special emphasis shall be given to the following areas:

- Ensuring that all employment practices and decisions, as well as appointments to boards and commissions, are made without discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability.
- Disseminating the Affirmative Action Plan and this policy to all municipal and school departments, along with a written statement by the city manager affirming the city's commitment to its affirmative action programs.
- Investigating allegations of discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability.
- Ensuring that all contractors and firms doing business with the city adhere to applicable federal and state laws, rules and regulations governing fair labor and equal employment practices during the performance of their contract.
- Training municipal and school department employees on the topics of equal opportunity, harassment/sexual harassment prevention, and diversity.

Sec. 11-213. Employment Practices

(a) The city will make every effort to ensure that all employment practices and decisions are made fairly and equitably. Such employment practices shall include, but not be limited to, employee recruitment, hiring, transfer, promotion, training, compensation, benefits, layoff, and termination. The affirmative action officer, in

conjunction with the personnel director, and with the assistance of personnel office staff, shall oversee all employment practices to ensure they are conducted in accordance with the provisions of City Ordinance, Book 5, Chapter 61, Section 11 – 136 through Section 11 – 230, and Section 11 – 65(e). This shall include, but not be limited to:

- Reviewing and revising employment practices, personnel rules, policies and procedures, as needed, to ensure that they comply with federal and state laws, and that they are rendered fairly, appropriately, and without discrimination.

- Developing and implementing best practices for recruitment that broadens outreach and increases the likelihood of attracting a more diverse applicant pool of individuals who meet the minimum requirements for job openings, especially for those job classifications and categories where there exists an underrepresentation of women and minorities. Practices shall also be developed to ensure that boards and commissions are adequately represented by women and minorities.

- Developing and implementing a process for collecting and analyzing employment data, including applicant demographic data for each position filled. The data from the analysis shall be used to identify areas of underutilization of women and minorities throughout the city's workforce and to determine whether the selection process adversely impacted women or minorities. The data shall also be used for the purpose of setting hiring goals for each job classification and category where underutilization exists.

- Demographic data shall also be collected and analyzed of those

serving on the city's boards and commissions. At the request of the affirmative action officer, each board and commission shall submit a list of its members, along with their race, gender, and date of appointment. Every effort shall be made to appoint women and minorities to those boards and commissions where underrepresentation exists.

(b) The affirmative action officer and personnel director shall work cooperatively in carrying out their respective responsibilities with regard to the above. Any conflict that may arise between the affirmative action officer and the personnel director in relation to their responsibilities shall be resolved by the city manager.

Sec. 11-214. Dissemination of Affirmative Action Plan

The city affirms its support for the development and implementation of the Affirmative Action Plan. Furthermore, the city acknowledges that it is the responsibility of every municipal and school department employee, as well as those doing business with the city to adhere to the laws, policies, and procedures outlined in the Affirmative Action Plan and to support the affirmative action officer with regard to the plan's implementation. Therefore, in addition to complying with all aspects of the City Ordinance, Book 5, Chapter 61, Sec. 11-139, entitled: Dissemination, the city manager shall disseminate the Affirmative Action Plan, along with this policy, and a written statement to all municipal and school department directors affirming the city's commitment to its affirmative action programs. A copy of the Affirmative Action Plan and this policy shall also be provided to any employee of the city upon request. Additionally, general

contractors, subcontractors, vendors, and suppliers doing business with the city, as well as firms and businesses performing services for the city, shall receive a copy of the Affirmative Action Plan and this policy, and the city shall require their compliance to all federal and state laws throughout the term of their contract or provision of services.

Sec. 11-215. Allegations of Discrimination

The affirmative action officer shall be responsible for the investigation of any allegation of discrimination in employment practices, provision of services, or city sponsored programs and activities, on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability. Any employee, applicant for employment, service provider or recipient, or participant in city sponsored programs and activities, believing that they have been discriminated against on the basis race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability, may contact the affirmative action officer, who will promptly investigate the matter in accordance with grievance procedures outlined in the city's Affirmative Action Plan. In addition, the following actions shall be taken:

- The affirmative action officer, in carrying out the responsibilities related to investigations, shall make every effort to ensure that investigations are confidential and supported by factual information and impartial judgment.

- **Whenever necessary, all officers, employees, and service providers of the city shall furnish the affirmative action officer with any information and records within their custody that may, in the opinion of the affirmative action officer, be deemed necessary to any inquiry or investigation involving an allegation of discrimination and/or retaliation, except as prohibited by law.**

- **In the event that an officer or employee fails to provide such information or records, or the personnel director disagrees with the necessity of such information and/or otherwise impedes the progress of any inquiry or investigation, the affirmative action officer may call upon the city manager to resolve the situation in an appropriate manner.**

- **The findings of any investigation conducted by the affirmative action officer shall be reported to the city manager and the Personnel Hearing Board, who shall promptly resolve the matter.**

Sec. 11-216. Construction Project Nondiscrimination Compliance

The city values the services provided by contractors and firms. It is expected, however, that any prime contractor, subcontractor, or firm doing business or awarded a contract with the city, take appropriate action in assuring the city that there will be equal employment opportunity during the performance of their contract. In accordance with City Ordinance, Book 5, Chapter 61, Sec. 11-196, entitled: Measures to ensure nondiscriminatory hiring practices, the city will ensure that all practices and procedures outlined in the ordinance are

followed and that the affirmative action officer is provided the support and personnel office staff assistance needed to comply with requirements under this section.

Sec. 11-217. Training

(a) The city affirms the importance of administering training programs designed to give municipal and school department employees an overview of equal opportunity laws and policies which cover discrimination and harassment/sexual harassment prevention. The city also acknowledges that diversity training designed to sensitize municipal and school department employees to attitudes, behaviors, and systemic practices that create barriers and hinder progress toward the achievement of equal opportunity and diversity, is needed.

(b) The affirmative action officer shall design and facilitate a training orientation program on the topics of equal opportunity, harassment/sexual harassment, and diversity. Such training shall be mandatory for all directors, managers, supervisors, and employees within one year of the effective date of this policy, and thereafter mandatory for all new employees within one year of their date of hire. Additional training on related topics may be included on an as needed basis.

Sec. 11-218. Applicability

This policy and its implementation affirm the city's commitment to equal opportunity and affirmative action. All municipal and school department directors, managers, and supervisors are expected to work cooperatively with the affirmative action officer in monitoring and ensuring compliance with this policy, as well as the laws,

policies, and procedures outlined in the city's Affirmative Action Plan.

SECTION II. This ordinance shall take effect upon second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested By: City Manager

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

G. Communications

1.Eric Batista for the Columbus Club of East Providence, 3200 Pawtucket Avenue requesting to address the Council regarding tax exempt status in relation to property taxes.

2. Chrissy Rossi, 39 Woodbine Street requesting to address the Council regarding "Riverside Bonfire" at Sabins Point.

3. Gregory S. Dias, 57 Tryon Avenue requesting to address the Council regarding 11th Annual Neighborhood Block Party, Saturday, July 21, 2012, Tyron Avenue, Gibbs Street and Estelle Street.

4. Debra C. Gomes on behalf of Bethany Church of the Nazarene, 1275 Pawtucket Avenue requesting to address the Council regarding blocking off Chaffee Street the week of August 20th Monday-Friday from 5:30PM to 9:00PM for Vacation Bible School.

5. Freddie Rybka, 9 Cozzens Avenue (02915) requesting to address the Council regarding communications.

6. Anthony Ferreira, 44 Brightridge Avenue (02914) requesting to address the Council regarding cost analysis for Heritage Days event.

XI.ADJOURNMENT

Motion___By___2nd___

Conley___DiGioia___Kleyla___Rose___Rogers___

*** Any items listed on the Council Docket may be subject to a vote.**

***If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590.**